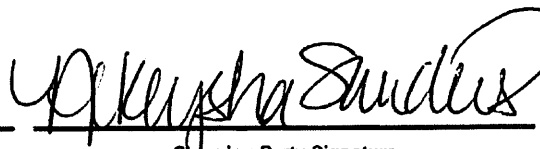


ATTACHMENT # 1

EEOC Form 5 (11/09)

<b>SECOND AMENDED CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA 564-2021-00681 <input checked="" type="checkbox"/> EEOC 564-2021-00703	
<b>Oklahoma Office of Civil Rights Enforcement</b> and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) <b>Mrs. Nekeysha Sanders</b>		Home Phone (Incl. Area Code) <b>Atty (405) 239-3800</b>	Date of Birth _____
Street Address <b>c/o Leonard &amp; Associates, P.L.L.C.,</b>		City, State and ZIP Code <b>8265 S. Walker, Oklahoma City, OK 73139</b>	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>Oklahoma Temporary Services, Inc. d/b/a Express Employment Services</b>		No. Employees, Members <b>+500</b>	Phone No. (Include Area Code) <b>(405) 272-9000</b>
Street Address <b>5816 N.W. 135<sup>th</sup> Street, Suite A</b>		City, State and ZIP Code <b>Oklahoma City, OK 73142</b>	
Name <b>The Funk Companies</b>		No. Employees, Members <b>+500</b>	Phone No. (Include Area Code) <b>(405) 218-9000</b>
Street Address <b>5816 N.W. 135<sup>th</sup> Street</b>		City, State and ZIP Code <b>Oklahoma City, OK 73142</b>	
Name <b>Express Employment Professionals, a trade name for Express Services, Inc.</b>		No. Employees, Members <b>+500</b>	Phone No. (Include Area Code) <b>(405) 840-5000</b>
Street Address <b>9701 Boardwalk Boulevard</b>		City, State and ZIP Code <b>Oklahoma City, OK 73162</b>	
Name <b>Oklahoma Temporary Services of Stillwater, Inc.</b>		No. Employees, Members <b>+500</b>	Phone No. (Include Area Code) <b>(405) 372-8000</b>
Street Address <b>211 N. Perkins Road, Suite 2</b>		City, State and ZIP Code <b>Stillwater, OK 74075</b>	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <b>In or around On or about</b> <b>2018 3/31/21</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>1. Respondents The Funk Companies; Express Employment Professionals, a trade name for Express Services, Inc.; Oklahoma Temporary Services, Inc. d/b/a Express Employment Services; and Oklahoma Temporary Services of Stillwater, Inc. (collectively "Respondents" or "Express") operate over 800 employment agency offices inside and out of the United States.</p> <p>2. Complainant Nekeysha ("Keysha") Sanders (_____, who is a Black female, was employed with Express for over three (3) years, working at the office location in Stillwater, Oklahoma, from on or about November 1, 2017, until on or about March 31, 2021.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
<div style="display: flex; justify-content: space-between;"> <div> <b>9/3/21</b>            Date         </div> <div>             Charging Party Signature         </div> </div>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

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☒ EEOC

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Oklahoma Office of Civil Rights Enforcement

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State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

3. Throughout her tenure, Ms. Sanders was an outstanding employee. She was initially hired as a Business Development Manager and held this position for over two (2) years. During this time, she was repeatedly recognized as a top sales representative, earning an increase in pay as a result.

4. She was also promoted to Branch Manager in or around September 2020, and held this position until on or about March 3, 2021. During this time, Ms. Sanders continued performing at the same high standard as she had before, and was highly regarded by her customers, peers and subordinates.

5. Despite her stellar work performance, however, Ms. Sanders was written up/put on a performance improvement plan, demoted and then terminated after she filed an internal grievance against Regional Director Rachel Davenport. Within the grievance, Ms. Sanders complained about various unlawful acts, including *inter alia* racial discrimination she was forced to endure.

6. During her tenure as a Business Development Manager, Ms. Sanders had limited interaction with Davenport, in that, Ms. Sanders reported directly to Branch Manager Chris Tucker. However, in or around late-Summer/early-Fall 2020, Tucker advised he was leaving his employment with Express.

7. Tucker shared the news in a meeting with Ms. Sanders, Davenport and Executive Vice President Scott Davis. Upon hearing this, Davis stated, "then it's Keysha's office," meaning Ms. Sanders would be promoted to Branch Manager upon Tucker leaving. However, Davenport was dismissive of the idea, stating Ms. Sanders "wouldn't want to do that." And, she was resistant in past discussion about promoting Ms. Sanders as well.

8. For example, the year prior, in or around August 2019, Davis talked to Ms. Sanders about a Sales Manager position. However, Davenport, who was present during the discussion, was dismissive of the idea, questioning whether Ms. Sanders could perform the job while balancing the responsibility of having children. Davenport (a White female, believed to be under age 40, who does not have children) said because Ms. Sanders had children, she did not believe Ms. Sanders could fulfill the responsibilities of the job, and it had been Ms. Sanders' choice to have children. Davenport also asked Ms. Sanders in her initial interview, i.e., before Ms. Sanders was hired as Business Development Manager, about Ms. Sanders' children and who would care for them if they were to get sick while she was at work.

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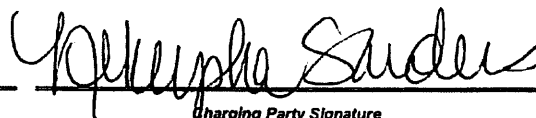
I declare under penalty of perjury that the above is true and correct.

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE(month, day, year)

9/3/21   
 Date Charging Party Signature

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9. Upon information told to Ms. Sanders, Davenport wanted to offer the Branch Manager position to Laura Warde, a White female, believed to be under age 40, who does not have children. However, Davis ultimately offered the position to Ms. Sanders. At the same time though, Ms. Sanders was required to continue performing the responsibilities of her former role (as Business Development Manager).

10. While in the Branch Manager position, Ms. Sanders was subjected to unequal treatment as compared to her similarly situated younger, male and/or non-Black coworkers. Ms. Sanders was also paid less in wages and not afforded the same company benefits as her similarly situated younger, male and/or non-Black coworkers.

11. By way of example, Ms. Sanders was required to perform two jobs, but paid only for one, whereas, her similarly situated younger, male and/or non-Black coworkers were not required to perform two jobs and were still paid more than Ms. Sanders. Ms. Sanders was also promised a company vehicle as part of her Branch Manager compensation package. Yet, the promise was not fulfilled, while her younger, male and/or non-Black counterparts received the benefits they were promised.

12. Moreover, Davenport treated Ms. Sanders disrespectfully, barked orders at her, degraded her and made repeated racist remarks, as well as allowing others to do so. Among other comments, Davenport referred to Ms. Sanders as "the help." She asked how Ms. Sanders could be offended by the term "n\*\*\*er" if she listened to music including the term. She also said Ms. Sanders did not "sound Black" over the phone; that she could not believe Ms. Sanders was married to a "White man;" and that Ms. Sanders was the exception to the average Black female, because Ms. Sanders had the advantage of having parents that were not "lower class." Moreover, while walking into the office on one occasion, when three Black men were applying for work, Davenport stated the office "smelled like poor people."

13. Davenport also questioned Ms. Sanders about whether she had voted for former-President Barak Obama and asked Ms. Sanders if she was going to vote for Joe Biden because the Vice President would be Black. Davenport was also dismissive of Ms. Sanders' complaints about others making racist remarks. That is, Ms. Sanders complained that a client repeatedly referred to her as "the colored girl." However, Davenport excused the behavior, saying "that's just how they were raised," and that the client was one of the highest paying customers. Davenport also openly laughed and joked about the fact that an employee claimed she (Davenport) was racist.

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Charging Party Signature

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14. In addition, while waiting to attend a group meeting one day, Warde brought up an incident that occurred near where she and Davenport grew up. Warde said a high school student, in a skit, dressed a Black student as a prisoner. Warde said another student created a meme that went viral, using a photo from the skit, adding the statement "n\*\*\*er for sale, starting bid at \$50," also adding a confederate flag under the comment. In response, Davenport said the media and parents were "blowing the matter out of proportion."

15. Davenport also began taking action to set Ms. Sanders up to fail. By way of example, she instructed Ms. Sanders not to approve client time cards. Instead, she demanded Ms. Sanders have clients send time cards directly to her (Davenport) for approval. Davenport also began reaching out directly to clients, rather than allowing Ms. Sanders to do so, which clients said they found irritating. In fact, on one occasion, a client forwarded Ms. Sanders an email from Davenport, stating "Your lady [referring to Davenport] is going to irritate the living hell out of me!!!"

16. On or about January 6, 2021, Ms. Sanders filed an internal grievance with Director of HR and Accounting/Assistant General Counsel Jenny McElroy (a White female, believed to be under age 40), complaining about the racial harassment and discrimination she endured, as well as other unlawful acts, including *inter alia* Davenport instructing Ms. Sanders to give another employee her E-Verify password. However, no remedial action. Rather, after her complaint, Ms. Sanders was written up/put on a Performance Improvement Plan (PIP), demoted and then fired.

17. More particularly, the same day that Ms. Sanders filed her internal grievance (i.e., on or about January 6, 2021), Davenport issued Ms. Sanders a written PIP for alleged performance deficiencies. However, the PIP was unjustified. The alleged performance deficiencies were subjective. Ms. Sanders was satisfactorily performing her job. And, she was not written up prior to the PIP.

18. Ms. Sanders completed the action items on the PIP. Yet, on or about March 3, 2021, Ms. Sanders was demoted. No reason was given for the demotion. Rather, in a meeting with Davenport and Davis (who were both aware of the internal grievance), Davis told Ms. Sanders that she was being moved back to her former role. This was not true, however, because she was demoted to a "Business Development Representative," rather than a "Business Development Manager," as before.

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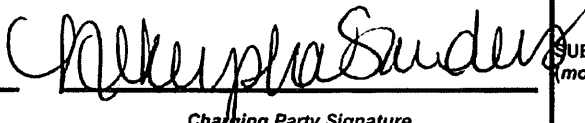
I declare under penalty of perjury that the above is true and correct.

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I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

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(month, day, year)

9/3/21 

Date

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19. Thereafter, Warde replaced Ms. Sanders as the Branch Manager. Ms. Sanders was also told she could not speak with her peers, customers or HR without approval from Warde or Davenport. And, she was given near insurmountable tasks, such as, having 100 face-to-face sales calls per week, while reducing her territory size and still in the midst of the COVID pandemic.

20. Davenport also began making false and defamatory statements about Ms. Sanders to her co-workers. For example, Davenport told Employment Specialist Latisha Arteaga the reason Ms. Sanders was demoted was because Ms. Sanders supposedly signed, deposited and/or cashed checks that were not written to her. However, such statements were completely untrue.

21. On or about March 17, 2021, Ms. Sanders filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC"), stating she was being discriminated and retaliated against in violation of Title VII. The following day, i.e., on or about March 18, 2021, she also sent a letter to Express co-founder and President Bob Funk, advising she filed a charge with the EEOC and giving several examples of race and gender-based discrimination, harassment and retaliation she endured. Still, however, no remedial action was taken.

22. Rather, on or about March 31, 2021, just two weeks after her EEOC Charge (and internal complaint to Funk), Ms. Sanders was fired. McElroy called Ms. Sanders, telling her that she needed to come in for a meeting. Ms. Sanders asked if Funk would be present, explaining she sent him a letter. McElroy replied that Funk got the letter, but did not state whether he would be present. Rather, she just said that Davis was her superior and he was requesting a meeting.

23. During the meeting (attended by Davis, McElroy and Ms. Sanders), Davis told Ms. Sanders she was being terminated. He did not give any reason for the termination, but merely said Express was "going in a different direction."

24. Davis told Ms. Sanders that Express would not contest any application she may make for unemployment benefits. However, Ms. Sanders filed an Amended EEOC Charge thereafter, adding the fact that she had been terminated to her Charge. And, Express contested her application for unemployment benefits.

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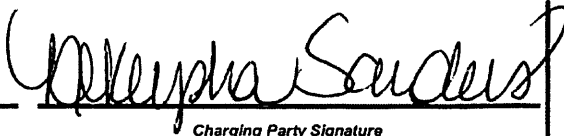
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25. Based on the foregoing and other facts, Ms. Sanders has been discriminated against, harassed and subject to a hostile work environment based on her race; retaliated against for having engaged in protected opposition to race discrimination/harassment; and retaliated against for participating in a complaint process based on race discrimination/harassment in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §1981, and Oklahoma state law. Ms. Sanders has also been discriminated against, harassed and subject to a hostile work environment based on her gender; retaliated against for having engaged in protected opposition to gender discrimination/harassment; and retaliated against for participating in a complaint process based on gender discrimination/harassment in violation of Title VII of the Civil Rights Act of 1964, as amended, and Oklahoma state law. Ms. Sanders had also been discriminated against and harassed based on her age in violation of the Age Discrimination in Employment Act ("ADEA") and Oklahoma state law.

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(month, day, year)

9/3/21  
Date

Chenequa Sanders  
Charging Party Signature